

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION**

**LATOYA BROWN; LAWRENCE BLACKMON
HERBERT ANTHONY GREEN; KHADAFY MANNING;
QUINETTA MANNING; MARVIN MCFIELD; NICHOLAS
SINGLETON; STEVEN SMITH; BESSIE THOMAS; and
BETTY JEAN WILLIAMS TUCKER, individually and on
behalf of a class of all other similarly situated,**

PLAINTIFFS

v.

CIVIL ACTION NO. 3:17-cv-347 WHB LRA

**MADISON COUNTY, MISSISSIPPI; SHERIFF
RANDALL C. TUCKER, in his official capacity; and
MADISON COUNTY SHERIFF'S DEPUTIES JOHN
DOES #1 through #6, in their individual capacities,**

DEFENDANTS

UNOPPOSED MOTION FOR LEAVE TO FILE EXHIBITS UNDER SEAL

Defendants Madison County, Mississippi, and Sheriff Randall Tucker (collectively “Defendants”), by and through counsel, move the Court for leave to file the exhibits to their Reply Brief in Support of Their Motion for Leave to File Sur-Reply [Dkt. #114] under seal, and in support hereof would show the following:¹

1. On November 16, 2017, Defendants filed a Motion for Leave to File a Sur-Reply in Further Support of Their Opposition to Plaintiffs’ Motion to Compel [Dkt. #98] and accompanying Memorandum Brief in support thereof. [Dkt. #99]. Plaintiffs filed their response and accompanying memorandum brief in support on November 22, 2017. [Dkt. #101]; [Dkt. #102]. Defendants filed their Reply Brief in Support of Their Motion for Leave to File Sur-Reply on December 1, 2017. [Dkt. #114]. In support of their Reply Brief, Defendants relied on

¹ Defendants respectfully request that this Court waive the requirement of a Memorandum Brief in Support of this motion given the simplicity and clarity of the relief Defendants seek.

incident reports prepared by the Madison County Sheriff's Department ("MCSD"). Although these particular incident reports have not been produced in this litigation, Defendants have consistently labeled incident reports as "CONFIDENTIAL" pursuant to the stipulated protective order entered by the Court. *See* [Dkt. #32]. These incidents reports constitute Exhibits 1, 2, 3, 4, and 5 to Defendants' Reply Brief.

2. Defendants respectfully request that the Court allow these incident reports to be conventionally filed under seal because such sealing is consistent with the protected nature of these documents Defendants have maintained throughout the ligation. Defendants have labeled each of the incident reports they have produced *en masse* in this matter as confidential, pursuant to the stipulated protective order, so as to protect the privacy of individuals discussed in these incident reports. Specifically, Exhibit 5 contains sensitive information including the crime victim's name and contact information.

3. Undersigned counsel has conferred with counsel for Plaintiffs and they have confirmed that Plaintiffs do not oppose the sealing of Exhibits 1, 2, 3, 4, and 5 to Defendants' Reply Brief. [Dkt. #114].

WHEREFORE, Defendants respectfully request that the Court enter an order allowing the conventional filing under seal of Exhibits 1, 2, 3, 4, and 5 to Defendants' Reply Brief in Support of Their Motion for Leave to File Sur-Reply [Dkt. #114].

This the 5th day of December, 2017.

Respectfully submitted:

**MADISON COUNTY, MISSISSIPPI and
SHERIFF RANDALL C. TUCKER, IN
HIS OFFICIAL CAPACITY**

BY: s/Charles E. Cowan
Michael B. Wallace (MSB #6904)
Charles E. Ross (MSB #5683)
James E. Graves (MSB #102252)
Charles E. Cowan (MSB #104478)
WISE CARTER CHILD & CARAWAY, P.A.
Post Office Box 651
Jackson, Mississippi 39205-0651
Telephone: 601-968-5534
Facsimile: 601- 944-7738____
mbw@wisecarter.com
cer@wisecarter.com
jeg@wisecarter.com
cec@wisecarter.com

and

T. Russell Nobile (MSB #100682)
WISE CARTER CHILD & CARAWAY, P.A.
2510 14th Street, Suite 1125
Gulfport, Mississippi 39501
Telephone: 228-867-7141
Facsimile: 228-867-7142
trn@wisecarter.com

OF COUNSEL:

Rebecca B. Cowan #7735
CURRIE JOHNSON & MYERS, P.A.
1044 River Oaks Dr.
Jackson, MS 39232
P.O. Box 750
Jackson, Mississippi 39205-0750
Telephone: 601-969-1010
Facsimile: 601-969-5120
bcowan@curriejohnson.com

Katie Bryant Snell (MSB# 103607)
KATIE BRYANT SNELL, PLLC
P.O. Box 3007
Madison, Mississippi 39130-3007
Telephone: 601-460-9800
katie@katiebryantnell.com

CERTIFICATE OF SERVICE

I, Charles E. Cowan, hereby certify that I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will automatically send email notification of such filing to the following:

Joshua Tom, Esq.
Paloma Wu, Esq. (*pro hac vice*)
American Civil Liberties Union of Mississippi Foundation
233 E. Capitol Street
Jackson, MS 39201
PWu@aclu-ms.org
JTom@aclu-ms.org

Jonathan K. Youngwood, Esq. (*pro hac vice*)
Janet A. Gochman, Esq. (*pro hac vice*)
Isaac Rethy, Esq. (*pro hac vice*)
Nihara K. Choudhri, Esq. (*pro hac vice*)
Yukiu Chan, Esq. (*pro hac vice*)
Brooke Jarrett (*pro hac vice*)
Simpson Thatcher & Bartlett, LLP
425 Lexington Avenue
New York, NY 10017
jyoungblood@stblaw.com
jgochman@stblaw.com
irethy@stblaw.com
nchoudhri@stblaw.com
monica.chan@stblaw.com
bonnie.jarrett@stblaw.com

Ezekiel Edwards, Esq. (*pro hac vice*)
Jeffery Robinson, Esq. (*pro hac vice*)
American Civil Liberties Union Foundation
125 Broad Street
New York, NY 10004
eedwards@aclu.org
jrobinson@aclu.org

So, certified this the 5th day of December, 2017.

s/Charles E. Cowan
Charles E. Cowan